

Application No. 10/700,483
Attorney Docket: NEC03P166-RIa (WAK.119)

REMARKS

Entry of this Amendment is proper because it reduces the issues on Appeal and does not require further search by the Examiner.

Claims 1-73 are all the claims presently pending in the application. By this Amendment, claims 1, 6, 8-9, 12, 17, 20, 27-28, 31, 36, 39, 46, and 49 are amended. The amendments introduce no new matter.

It is noted that the claim amendments, if any, are made only to assure grammatical and idiomatic English and improved form under United States practice, and are not made to distinguish the invention over the prior art or narrow the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Applicant thanks the Examiner for the courtesies extended to Applicant's representative Donald DiPaula in the personal interview of April 9, 2009. The content of that interview is incorporated into the following remarks.

Claims 1-2, 5, 7-13, 16-17, 20-21, 24, 26-28, 30-32, 35-36, 38-40, 43, 45-50, 53, and 55-73 stand rejected under 35 U.S.C. §103(a) over Gallagher, et al. (US 2004/00192211), in view of Desgagne (US 6,047,191), and further in view of Sekiyama (US 2002/0065604). Claims 3-4, 6, 14-15, 18-19, 22-23, 25, 29, 33-34, 37, 41-42, 44, 51-52, and 54 stand rejected under 35 U.S.C. §103(a) over Gallagher in view of Desgagne and Sekiyama, and further in view of well known prior art (MPEP 2144.03).

This rejection is respectfully traversed in the following discussion.

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**REQUEST FOR WITHDRAWAL OF FINALITY AND RESET PERIOD FOR
RESPONSE**

The Examiner has failed to indicate with specificity where certain features recited in independent claims 8, 27, 46, and 49 are alleged to be disclosed or suggested in the prior art.

Further, the Examiner failed to provide any response to Applicant's arguments with regard to the Desagne reference prior to the Advisory Action of April 14, 2009. Thus, at a minimum, the period for response should be reset to the mailing date of the Advisory Action in which the Examiner responded to Applicant's arguments with regard to the Desagne reference.

Applicant submits that the present Office Action is therefore deficient on its face. Applicant respectfully requests the Examiner to withdraw the finality of the present Office Action, to issue a new Office Action in which the Examiner examines all claims pending herein and indicating with specificity where each feature of each rejected claim is alleged to be disclosed or suggested in the prior art, and to admit or respond to each of Applicant's arguments.

PERSONAL INTERVIEW AND THE PRIOR ART REJECTIONS

Applicant maintains the arguments of the prior amendments.

Applicant's representative Donald DiPaula conducted a personal interview with Examiner Casca on April 9, 2009. The Examiner agreed in the personal interview that the disclosed invention is not anticipated or obvious over the applied references; however, the Examiner expressed concern that certain features could be broadly interpreted to read on features of the prior art references. Although Applicant strenuously disagrees with the

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Examiner's position, amendments to the claims are made herein solely in the interest of expediting prosecution.

The Examiner further agreed that the recited feature "coordinate position" does not read on prior art features whether of a mobile radio unit is within a range or signal strength of base stations or repeaters.

Applicant's representative faxed a draft set of amended claims, as discussed in the personal interview, to Examiner Casca on April 10, 2009. The Examiner reviewed the draft claims and agreed in a telephone interview on April 21, 2009, that the proposed amendments render the claims patentable over the references of record. Thus, Applicant is not aware of any outstanding grounds of rejection or objection to the claims as recited herein.

Therefore, Applicant respectfully requests the Examiner to withdraw the rejections and promptly allow claims 1-73.

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CONCLUSION


In view of the foregoing, Applicant submits that claims 1-73, all the claims presently pending in the application, are patentably distinct over the prior art of record and are allowable, and that the application is in condition for allowance. Such action would be appreciated.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned attorney at the local telephone number listed below to discuss any other changes deemed necessary for allowance in a telephonic or personal interview.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR §1.136. The Commissioner is authorized to charge any deficiency in fees, including extension of time fees, or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 26 May 2009


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